

R E M A R K S

Reconsideration and further prosecution of the above identified application are respectfully requested in view of the discussion that follows. Claims 1-40 are pending in this Application. Claims 1-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,611,590 to Lu et al. ("Lu") in view of U.S. Pat. No. 7,165,112 to Battin et al. ("Battin") in view of U.S. Pat. No. 6,757,731 to Barnes et al. ("Barnes") and further in view of U.S. Pat. No. 4,682,267 to Childress et al. ("Childress"). Claim 1, 8, 10, 12, 16, and 31 have been amended. After careful review of the claims and the cited art, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1-40 have been rejected as obvious over Lu, Battin, Barnes and Childress. Lu is directed to an Internet Interface Controller that merely routes calls but does not determine the received call type nor does it perform agent selection based upon call type. Claims 1, 16, and 31 have been amended to recite continuous scanning and reading (see e.g., para. 0044).

The Office Action cites Col. 6, lines 22-28 and Col. 7, lines 4-10 of Lu as disclosing determining a type of the received call. However, Col. 6, lines 22-28 describes IIC 170 determining the appropriate call type selected for the return call, not the

type of the received call as illustrated in Fig. 3, and also described at Col. 7, lines 4-10 (see for example Col. 4, lines 7-14). The received call at the organization (i.e., at the IIC 170) is only one type, a CALL\_US request launched from the caller's PC 112 (Col. 6, lines 17-19), wherein the caller or the system may choose the call type of the return call ("...the CALL\_US request is parsed to determine call type...the initiating CGI script assigns a predetermined call type value to the call field if a specific call type is selected by the caller, and a null value is assigned if the call type is not selected...if the listener 174 determines that the call type field is a null value, indicating no specific call type, the call type is set to a default text - chat call type." Col. 7, lines 7-13).

The Office Action cites Col. 1, lines 48-59, Col. 4, lines 51-63, and Col. 8, lines 37-42 as disclosing selecting an agent of the plurality of agents based on type of call. Col. 1, lines 48-59 merely describes determining a Call Center, not on agent not based upon call type. Col. 4, lines 51-63 merely describes the ITC determining a call center and agent best suited for the call but there is not disclosure of being based on call type. Col. 8, lines 37-42 merely describes routing to a specific agent if that agent has a special ability but does not mention basing the selection of the agent on determination of call type. Thus,

Lu does not disclose determining received call type or selecting an agent based upon received call type.

Further, as the Office Action concedes Lu does not disclose independently spawning a call processing application based upon the determined call type and upon the selected agent coupled to a protocol stack at each end. The Office Action asserts, however, that Battin does disclose the independently spawning of the dual protocol coupled call processing application citing Figs. 5 and 6 and protocol stacks 500 and 600. However, while Battin discloses a communications system which distributes the functions of a socket abstraction layer between the socket abstraction layers of a mobile subscriber and an agent communications device, it doesn't disclose independently spawning a call processing application based upon call type with a first end of the call processing application operatively coupled to a predetermined protocol stack of the selected agent and with a second end of the call processing application operatively coupled to a protocol stack of the client. Battin in Fig. 6 merely shows a protocol stack 600 of an agent communication device and Fig. 5 shows a protocol stack 500 of a client communications device each implemented in the processor of the respective device (Col. 9, lines 35-43). There is no disclosure of independently spawning a call processing application based upon the determined call type, nor is there coupling of the first end of the spawned application

to the agent protocol stack and a second end to the client protocol stack. Thus, Battin does not disclose independently spawning a call processing application based upon call type and the selected agent, or a call processing application having a first end operatively coupled to a predetermined protocol stack of the selected agent and a second and operating coupled to the protocol stack of the client.

Further Battin fails to disclose communications between the agent protocol stack and the client protocol stack operates under a first protocol, and between the client protocol stack and the client through the public network under a second protocol. The cited abstract of Battin merely describes distributing functions of the socket layer and reducing the required headers. Col. 4-5, lines 26-11, merely describes establishing connections with a reduced-size header, and Col. 13, lines 9-31, merely describes a data communications system 900 with a wireless data terminal 902 communicating with a data terminal 916 via a fixed infrastructure 914. However, there is no description of communications between an agent protocol stack and a client protocol stack under a first protocol, and between the client protocol stack and the client through the public network under a second protocol.

Because these features are not disclosed by any of the cited references, claims 1-40 are distinguishable over any combination of the cited references.

Further, the Office Action states that, Battin and Lu do not disclose a protocol stack of the agent and protocol stack of the client being disposed inside the private computer network and wherein communication between the predetermined protocol stack of the agent and protocol stack of the client operates under a first protocol and communication between the protocol stack of the client and the client through the public communication network operates under a second protocol, but asserts that Barnes does disclose this feature. Barnes concerns interfacing multiple protocol stack via a VCCT subsystem. There is no motivation or suggestion to combine Barnes' subsystem connected protocol stacks with Battin. Even if combined, there is no teaching or suggestion of an agent stack and a client stack structure coupled to each end of the spawned application as claimed.

In addition, in Barnes, protocol messages generated by the first protocol stack 211 are sent to the second protocol stack 221 via the VCCT subsystem 270 (Col. 4, lines 50-53) and are internally interconnected via the VCCT subsystem (Col. 12, lines 26-28). Thus, Barnes protocol stacks are physically connected by a VCCT subsystem not coupled by an independently spawned application operatively coupled to a protocol stack of the agent and to the protocol stack of the client.

The Office Action also concedes that neither Lu, Battin, nor Barnes disclose the claimed continuously scanning idle input

stack locations of a protocol stack but asserts that this feature is disclosed by Childress. Childress concerns a mobile radio scanner and the cited portions (Col 8, lines 16-33 and Col. 9, lines 22-33, Col. 18, lines 29-44 and Col. 20, lines, 51-65) merely describe a radio scanner which scans the repeater transceiver frequencies to determine if there is a radio signal that exceeds a threshold radio signal strength. Childress does not, however, describe in any way the claimed scanning and reading of idle input stack locations of the client protocol stacks. For example, there are no protocol stacks, or idle stack locations being scanned. Nor is there any teaching, suggestion or motivation to combine this radio scanner with the entirely different systems of Lu, Battin or Barnes. Such a radio scanning system would be of no use with the systems of the other cited references or the claimed system. Thus, Childress does not disclose the claimed features and is not properly combinable. Accordingly the claims 1-40 are believed to be further distinguishable for these reasons as well.

Since the combination of Lu, Battin, Barnes and Childress al. fails to provide any teaching of independently spawning a call processing application or basing such spawning on the call type and selected agent, continuously scanning idle input stack locations, or an independently spawned application operatively coupled to the protocol stack of the agent and to the protocol

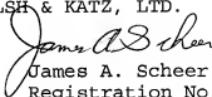
stack of the client, the combination fails to teach or suggest each and every claim limitation. Because the combination fails to teach or suggest each and every claim limitation, the claims are distinguishable over the combination of cited references. Accordingly, claims 1-40 are believed to be distinguishable over the cited references. In addition, claim 10 now calls for spawning an application compatible with the determined format (see e.g., para. 51), and claim 12 has been amended to call for increasing or decreasing the number of stack locations based upon load. These features are believed to be further distinguishable over the cited art.

The allowance of claims 1-40 as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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